REMARKS

In the Office Action, claims 21-25 remain rejected under 35 U.S.C. § 102 as allegedly anticipated by U.S. Patent No. 6,060,050 ("Brown"). As previously provided, claims 1-30 have been canceled without prejudice or disclaimer. Thus, the rejection in view of Brown should be rendered moot and therefore this rejection should be withdrawn in view of same.

Further, Applicants have provided new claims 31-34. As presented, Applicants believe that these claims should be considered distinguishable from the Brown reference. Of these claims, the sole, independent claim is claim 31 that recites a food composition comprising a bifidobacterium strain capable of preventing infection of intestinal cells of a mammal due to a rotavirus wherein the bifidobacterium strain is bifidobacterium CNCM I-2168. Nowhere does Brown disclose or suggest such strain, let alone a food composition that incorporates such strain to prevent infection due to a rotavirus. Accordingly, Applicants believe that new claims 31-34 should be considered patentable and thus allowable over the cited art of record.

On February 1, 2002 Applicants submitted an Information Disclosure Statement (IDS) along with the originally-filed application papers regarding the present application. A date-stamped postcard indicating receipt of the IDS along with the application papers was received from the Patent Office, a copy of which is enclosed herewith for your reference. To date, Applicants have not received the PTO 1449 form associated with this IDS and further that has been initialed by the Patent Office indicating that the references cited therein have been entered for examination purposes. Accordingly, Applicants respectfully request that a copy of the initialed PTO 1449 form be issued to Applicants.

For the foregoing reasons, Applicants respectfully submit that the present application is now in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

BY _____

Robert M. Barrett
Reg. No. 30,142

Dated: August 15, 2005

Best Available Copy

3